



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

Sanjay Nigam et al.

Application No.: 09/595,195

Filed: June 16, 2000

For: EX-VIVO PROPAGATION OF KIDNEY

) Group Art Unit: 1651

) Examiner: Allison M. Ford

) Confirmation No.: 1117

) Certificate of Mailing

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) 22313-1450 on November 14, 2005.

) By: \_\_\_\_\_

) Kim Cabello

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 CFR §1.48 TO CORRECT INVENTORSHIP**

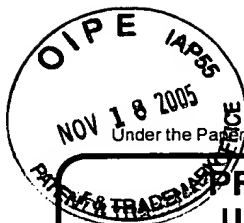
Pursuant to 37 CFR §1.48, applicants hereby petition to correct inventorship on the above-identified patent. An error, which occurred without deceptive intentions, is hereby corrected.

As filed, the application for patent named only Sanjay Nigam as an inventor. Through error and without any deceptive intent, the application for the above-identified patent was filed without naming Mr. Jizeng Qiao as a co-inventor in addition to Sanjay Nigam. Pursuant to a Petition filed October 7, 2003, this error was corrected.

It has come to applicants' attention that through error and without any deceptive intent, the application also failed to name Hiroyuki Sakurai as a co-inventor in addition to Sanjay Nigam and Jizeng Qiao. Accordingly, it is proper to add Mr. Sakurai's name as a co-inventor on this application.

In support of this petition, the following documents are filed concurrently herewith:

- (1) Declaration of Hiroyuki Sakurai;
- (2) Declaration of Sanjay Kumar Nigam;
- (3) Declaration of Jizeng Qiao;
- (4) Consent of Assignee to Correct Inventorship;
- (5) Declaration by the Inventors;



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PROCESSING FEE****Under 37 CFR 1.17(i)****TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	09/595,195
Filing Date	June 16, 2000
First Named Inventor	Sanjay Kumar Nigam
Art Unit	1651
Examiner Name	Allison M. Ford
Attorney Docket Number	034123-052

Enclosed is a paper filed under 37 CFR 1.48 that requires a processing fee (37 CFR 1.17(i)).  
Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, if applicable. For transmittal of petition fees under 37 CFR 1.17(f), (g) or (h), see form PTO/SB/17p.

**Payment of Fees** (small entity amounts are NOT available for the processing fees)☐ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. \_\_\_\_\_:☐ processing fee under 37 CFR 1.17(i) ☐ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.☒ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.**Processing Fees under 37 CFR 1.17(i): Fee \$130 Fee Code 1808 for all,  
Except for § 1.221 papers (Fee Code 1803)**

For papers filed under:

- § 1.28(c)(3) - for processing a non-itemized fee deficiency based on an error in small entity status.
- § 1.41 - for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by § 1.63, except in provisional applications.
- § 1.48 - for correcting inventorship, except in provisional applications.
- § 1.52(d) - for processing a nonprovisional application filed with a specification in a language other than English.
- § 1.53(b)(3) - to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b).
- § 1.55 - for entry of late priority papers.
- § 1.71(g)(2) - to enter an amendment to the specification for purposes of 35 U.S.C. 103(c)(2) if not filed within the cited time periods
- § 1.99(e) - for processing a belated submission under § 1.99.
- § 1.103(b) - for requesting limited suspension of action, continued prosecution application (§ 1.53(d)).
- § 1.103(c) - for requesting limited suspension of action, request for continued examination (§ 1.114).
- § 1.103(d) - for requesting deferred examination of an application.
- § 1.217 - for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.
- § 1.221 - for requesting voluntary publication or republication of an application. **Fee Code 1803**
- § 1.291(c)(5) - for processing a second or subsequent protest by the same real party in interest.
- § 1.497(d) - for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the international stage.
- § 3.81 - for a patent to issue to assignee, assignment submitted after payment of the issue fee.

  
Signature  
Joseph R. Baker, Jr.

Typed or printed name

November 14, 2005

Date

40,900

Registration No., if applicable

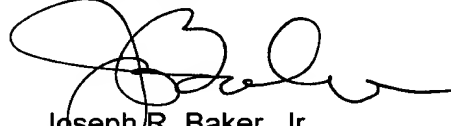
This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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(6) Payment of the fee under 37 CFR §1.17(i).

Please apply any other charges or credits to Deposit Account No. 02-4800.

Respectfully Submitted,



Joseph R. Baker, Jr.  
Reg. No. 40,900

Date: November 14, 2005

Buchanan Ingersoll, LLP  
12230 El Camino Real, Suite 300  
San Diego, CA 92130  
858.509.7300



Attorney's Docket No. 034123-052

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of )  
Sanjay Nigam et al. ) Group Art Unit: 1651  
Application No.: 09/595,195 ) Examiner: Allison M. Ford  
Filed: June 16, 2000 ) Confirmation No.: 1117  
For: EX-VIVO PROPAGATION OF KIDNEY )  
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)


**CONSENT OF ASSIGNEE UNDER 37 CFR 1.48**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I am an officer of the Regents of the University of California, to which the above-identified patent application has been assigned. The assignment was forwarded to the U.S. Patent and Trademark Office for recordation on May 28, 2003, and recorded at 014118/0407. I hereby consent to the correction of inventorship on the above-identified patent application, so that Hiroyuki Sakurai is named as a joint inventor in addition to Sanjay Kumar Nigam and Jizeng Qiao.

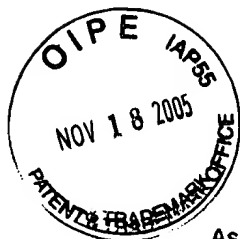
Date: November 4, 2005

  
\_\_\_\_\_  
Alan Paau, MBA, Ph.D.  
Asst. Vice Chancellor  
University of California, San Diego

**Buchanan Ingersoll PC**  
ATTORNEYS  
including attorneys from Burns Doane Swecker & Mathis

CA 98204.1

(8/05)

**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR UTILITY OR DESIGN PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**EX-VIVO PROPAGATION OF KIDNEY**

the specification of which (check only one item below):

- ☐ is attached hereto.
- ☒ was filed as United States Patent application Number 09/595,195  
on June 16, 2000 and was amended on September 15, 2004, March 11, 2005, and July 28, 2005 (if applicable).
- ☐ was filed as PCT International application Number \_\_\_\_\_  
on \_\_\_\_\_ and was amended on \_\_\_\_\_  
(if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim domestic and/or foreign priority benefits under Title 35, United States Code, §§ 119 (a)-(e), 120, 172 or 365(a) of any domestic or foreign application(s) for patent or inventor's certificate or of any international (PCT) application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international (PCT) application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §§119(a)-(e), 120, 172 or 365(a):				
COUNTRY (if PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (MM/DD/YYYY)	PRIORITY CLAIMED UNDER 35 U.S.C. §§119, 120, 172 OR 365(a)	
			Yes	No

**Buchanan Ingersoll PC**

ATTORNEYS

Including attorneys from Burns Doane Swecker &amp; Mathis

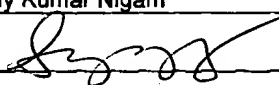
(8/05)

CA 98220.1

I hereby appoint the attorneys and agents associated with the following PTO Customer Number of Buchanan Ingersoll LLP (including attorneys from Burns, Doane, Swecker & Mathis) to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and transact all business in connection with international applications directed to said invention:

Customer Number **4 1 7 9 0**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<b>FULL NAME OF SOLE OR FIRST INVENTOR</b>	Sanjay Kumar Nigam
Signature	
Date	10/31/05
Residence (City, State, Country)	Del Mar, California, U.S.A.
Citizenship	United States
Mailing Address	1155 Camino Del Mar
City, State, ZIP, Country	Del Mar, California 92014, United States of America
<b>FULL NAME SECOND INVENTOR, IF ANY</b>	Jizeng Qiao
Signature	
Date	
Residence (City, State, Country)	Lexington, Massachusetts, U.S.A.
Citizenship	China
Mailing Address	47 Reed Street
City, State, ZIP, Country	Lexington, Massachusetts 02421, U.S.A.
<b>FULL NAME OF THIRD INVENTOR, IF ANY</b>	Hiroyuki Sakurai
Signature	
Date	
Residence (City, State, Country)	San Diego, California, U.S.A.
Citizenship	Japan
Mailing Address	12633 El Camino Real Unit 3202
City, State, ZIP, Country	San Diego, California 92130, U.S.A.

**Buchanan Ingersoll PC**

ATTORNEYS

including attorneys from Burns Doane Swecker & Mathis





**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	Group Art Unit: 1651
Sanjay Nigam et al.	)	Examiner: Allison M. Ford
Application No.: 09/595,195	)	Confirmation No.: 1117
Filed: June 16, 2000	)	
For: EX-VIVO PROPAGATION OF KIDNEY	)	
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	)	
	)	
	)	

**DECLARATION OF SANJAY KUMAR NIGAM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Sanjay Kumar Nigam, hereby state as follows:

1. I am an inventor named on the above-identified patent application.
2. Through error, without any deceptive intention, the application for the above-identified patent was filed without naming Hiroyuki Sakurai as a co-inventor in addition to myself and Jizeng Qiao.
3. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 10/31/05

  
SANJAY KUMAR NIGAM







**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR UTILITY OR DESIGN PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**EX-VIVO PROPAGATION OF KIDNEY**

the specification of which (check only one item below):

- ☐ is attached hereto.
- ☒ was filed as United States Patent application Number 09/595,195 on June 16, 2000 and was amended on September 15, 2004, March 11, 2005, and July 28, 2005 (if applicable).
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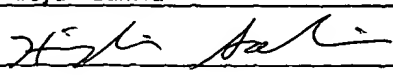
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COUNTRY (if PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (MM/DD/YYYY)	PRIORITY CLAIMED UNDER 35 U.S.C. §§119, 120, 172 OR 365(a)	
			Yes	No

I hereby appoint the attorneys and agents associated with the following PTO Customer Number of Buchanan Ingersoll LLP (including attorneys from Burns, Doane, Swecker & Mathis) to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and transact all business in connection with international applications directed to said invention:

Customer Number **4 1 7 9 0**

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<b>FULL NAME OF SOLE OR FIRST INVENTOR</b>	Sanjay Kumar Nigam
Signature	
Date	
Residence (City, State, Country)	Del Mar, California, U.S.A.
Citizenship	United States
Mailing Address	1155 Camino Del Mar
City, State, ZIP, Country	Del Mar, California 92014, United States of America
<b>FULL NAME SECOND INVENTOR, IF ANY</b>	Jizeng Qiao
Signature	
Date	
Residence (City, State, Country)	Lexington, Massachusetts, U.S.A.
Citizenship	China
Mailing Address	47 Reed Street
City, State, ZIP, Country	Lexington, Massachusetts 02421, U.S.A.
<b>FULL NAME OF THIRD INVENTOR, IF ANY</b>	Hiroyuki Sakurai
Signature	
Date	10/27/2005
Residence (City, State, Country)	San Diego, California, U.S.A.
Citizenship	Japan
Mailing Address	12633 El Camino Real Unit 3202
City, State, ZIP, Country	San Diego, California 92130, U.S.A.

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			Yes	No

**Buchanan Ingersoll PC**

ATTORNEYS

Including Attorneys from Burns Doane Sweetser &amp; Mathis

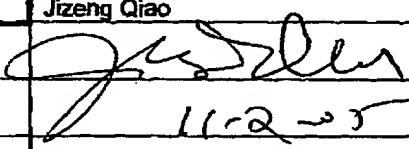
(8/05)

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Customer Number **4 1 7 9 0**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<b>FULL NAME OF SOLE OR FIRST INVENTOR</b>	Sanjay Kumar Nigam
Signature	
Date	
Residence (City, State, Country)	Del Mar, California, U.S.A.
Citizenship	United States
Mailing Address	1155 Camino Del Mar
City, State, ZIP, Country	Del Mar, California 92014, United States of America
<b>FULL NAME SECOND INVENTOR, IF ANY</b>	Jizeng Qiao
Signature	
Date	11-2-05
Residence (City, State, Country)	Lexington, Massachusetts, U.S.A.
Citizenship	China
Mailing Address	47 Reed Street
City, State, ZIP, Country	Lexington, Massachusetts 02421, U.S.A.
<b>FULL NAME OF THIRD INVENTOR, IF ANY</b>	Hiroyuki Sakurai
Signature	
Date	
Residence (City, State, Country)	San Diego, California, U.S.A.
Citizenship	Japan
Mailing Address	12633 El Camino Real Unit 3202
City, State, ZIP, Country	San Diego, California 92130, U.S.A.

PLEASE SIGN  
& DATE

**Buchanan Ingersoll PC**

ATTORNEYS

including attorneys from Burns Doane Swecker & Mathis

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